

## 48A C.J.S. Judges § 115

Corpus Juris Secundum | August 2023 Update

### Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

### V. Discipline, Suspension, or Removal

### C. Grounds

## § 115. Misconduct generally

[Topic Summary](#) | [References](#) | [Correlation Table](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  11(4)

**A judge may be subject to disciplinary action, including removal, on the ground of misconduct.**

A judge may be subject to disciplinary action, including removal, on the ground of misconduct.<sup>1</sup> Whether an act constitutes judicial misconduct must be determined from the facts surrounding the act, the nature of the act, and intention.<sup>2</sup>

Misconduct may be required to have direct relation to, and be connected with, the performance of official duties<sup>3</sup> and amount either to maladministration<sup>4</sup> or to willful and intentional neglect to discharge the duties of the office.<sup>5</sup> However, gross misconduct,<sup>6</sup> or conduct involving moral turpitude,<sup>7</sup> will warrant removal even if such conduct is not connected with the office or does not arise out of official duties. In any event, conduct which does not rise to the level of misconduct is not ground for discipline on such grounds.<sup>8</sup>

### CUMULATIVE SUPPLEMENT

#### Cases:

Judge's public comments can themselves constitute misconduct if they are sufficiently rude, derogatory, or intemperate. [In re Complaint of Judicial Misconduct](#), 761 F.3d 1097 (9th Cir. 2014).

[END OF SUPPLEMENT]

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Footnotes

- 1 Mich.—*In re James*, 492 Mich. 553, 821 N.W.2d 144 (2012).
- Miss.—*Mississippi Com'n on Judicial Performance v. Patton*, 57 So. 3d 626 (Miss. 2011).
- Ky.— *Alred v. Com., Judicial Conduct Com'n*, 395 S.W.3d 417 (Ky. 2012), reh'g denied and opinion modified, (Oct. 25, 2012).
- N.J.—*In re Williams*, 169 N.J. 264, 777 A.2d 323 (2001).
- N.C.—*In re Belk*, 364 N.C. 114, 691 S.E.2d 685 (2010).
- S.C.—*In re Bryngelson*, 403 S.C. 115, 742 S.E.2d 392 (2013).
- 2 U.S.—*In re Complaint of Judicial Misconduct*, 575 F.3d 279 (3d Cir. 2009).
- Ala.—*In re Emmet*, 293 Ala. 143, 300 So. 2d 435 (1974).
- 3 La.—*Coco v. Jones*, 154 La. 124, 97 So. 337 (1923).
- A.L.R. Library**  
Removal or discipline of state judge for neglect of, or failure to perform, judicial duties, 87 A.L.R.4th 727.
- 4 U.S.—*In re Judicial Misconduct*, 726 F.3d 1060 (9th Cir. 2013).
- 5 Miss.—*Mississippi Com'n on Judicial Performance v. Buffington*, 55 So. 3d 167 (Miss. 2011).
- N.C.—*In re Belk*, 364 N.C. 114, 691 S.E.2d 685 (2010).
- 6 La.—*Stanley v. Jones*, 197 La. 627, 2 So. 2d 45 (1941).
- 7 Ohio—*In re Bostwick*, 29 Ohio N.P. (n.s.) 21, 1931 WL 2216 (C.P. 1931), judgment aff'd, 43 Ohio App. 76, 11 Ohio L. Abs. 259, 181 N.E. 905 (2d Dist. Franklin County 1931).
- Moral turpitude**  
(1) "Moral turpitude," in the context of judicial misconduct, includes, but is not limited to, actions which involve interference with the administration of justice, misrepresentation, fraud, deceit, bribery, extortion, or other such actions which bring the judiciary into disrepute.
- Miss.—*Mississippi Com'n on Judicial Performance v. McKenzie*, 63 So. 3d 1219 (Miss. 2011).
- (2) "Moral turpitude," in the context of judicial misconduct, must involve some immorality, and it must cross the line from simple negligence or mistake, to willful conduct which takes advantage of a judge's position for greed or other inappropriate motives; a willful subversion of justice merits harsher punishment.
- Miss.—*Mississippi Com'n on Judicial Performance v. Bustin*, 71 So. 3d 598 (Miss. 2011).
- 8 Mo.—*Matter of Buford*, 577 S.W.2d 809 (Mo. 1979).
- Vt.—*In re Boardman*, 186 Vt. 176, 2009 VT 42, 979 A.2d 1010 (2009).

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